

REMARKS

Claims 1 and 3 have been amended. Claims 1-4 are all the claims pending in the application.

Formal matters

Applicant thanks the Examiner for accepting the drawings filed on December 5, 2001, and for acknowledging claim for foreign priority under 35 U.S.C. § 119 and receipt of a certified copy of the priority document. Applicant also thanks the Examiner for considering the documents disclosed in the information disclosure statements submitted on January 16, 2004, July 30, 2004, August 7, 2003, and December 5, 2001.

Claims 1 and 3 have been amended in order to correct certain informalities and to increase clarity and not for any reason related to patentability. Applicant respectfully requests the Examiner to enter the amendment into the record.

Specification

The Examiner has objected to the specification for informalities. Specifically, the Examiner maintains that the description at page 1, lines 23-25 discloses finger units, and that these finger units are further described at page 6, lines 1-3 and in Figs. 3-4, elements 4-5. The Examiner maintains that it is not clear as to the difference between the inverse spreader unit and the phase corrector unit and that they should be designated separately if they do not have the same function.

At page 1, lines 23-25, the prior art is being described. In the prior art, a single finger unit performs both functions of inversely spreading the signal and performing phase correction.

In other words, page 1-2 is merely describing the prior art as for example, shown in Fig. 1 of EP 0,813,313 to Shoishiro, which the Examiner has cited in the Office Action. By contrast, at page 6, an exemplary embodiment of the present inventive concept is being described. The description at page 6 relates to Fig. 3, which shows two different finger units, each having a plurality of finger circuits. Applicant has amended the specification at page 6, lines 1-3 in order to make this distinction more clear, and respectfully requests the Examiner to remove the objection and accept the specification.

Claim objections

Claims 1 and 3 stand objected to for informalities. Regarding claim 1, Applicant notes that in one sentence the Examiner states that the plurality of first finger means and the plurality of second finger means are not disclosed in the specification. However, in the immediately following sentence, the Examiner says they actually refer to inverse spreader unit and a phase corrector unit, respectively, as disclosed in the specification. At page 14-15 of the specification, Fig. 4 is described. Fig. 4 shows that the inverse spreader finger unit and the phase detector finger unit are each comprised of a plurality of finger circuits. Therefore, Applicant respectfully submits that the plurality of first finger means and the plurality of second finger means are clear.

Regarding claim 3, Applicant has amended claim 3 to improve clarity.

Therefore, Applicant respectfully requests the Examiner to remove the objections.

Claim rejections -- 35 U.S.C. § 103

Claims 1-4 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Applicant Admitted Prior Art (AAPA) in view of EP No. 0,813,313 to Shoishiro in further view of U.S. Patent No. 5,842,037 to Haartsen. Applicant respectfully traverses this rejection.

Claim 1 recites the feature of a means for determining the validity for the signals respectively transmitted from the two antennas of the base station and for stopping the supply of an operating clock to the means for correcting the phase of inverse spread data for a signal which is determined as invalid. The Examiner admits that the AAPA does not show this feature, but cites Shoishiro as disclosing the means for determining the validity for the respective signals. Specifically, the Examiner cites page 3, lines 25-30 of Shoishiro as disclosing controlling the power (i.e. turning power on or off) to selected fingers based on measured power and detected error in order to conserve power. However, as admitted by the Examiner, Shoishiro does not disclose stopping the supply of an operating clock to the means for correcting the phase. The Examiner thus turns to the teachings of Haartsen at col. 3, lines 26-55 to cure this deficiency, and argues that Haartsen discloses removing the clock to a processor in order to place the processor in “hold” mode. The Examiner then argues that “Haartsen teaches implementing a power down mode by removing a clock in a processor and this can be implemented in the receiver as described in the AAPA in view of Shoishiro so as to power off/on the operation of the desired finger ... by removing the clock” so as to provide a simple switch for the reduction of power in the receiver. Applicant respectfully disagrees with the Examiner’s position.

One having skill in the art would not have been motivated to combine the AAPA/Shoishiro combination with the teachings of the Haartsen reference. The AAPA and Shoishiro are both directed at CDMA receivers and receiving spread spectrum communications. By contrast, Haartsen is directed at a specific problem with Time-Division multiplexing (TDM) communications, namely that high-power radiation from a TDMA transceiver interferes with processors and other electronics in the radio because of the burst format of the transmission in TDMA communications. (see col. 1, lines 22-29). This high-power burst transmission creates cross-talk between the transceiver and other computing electronics. However, as Haartsen notes, other access methods, *such as CDMA*, that use continuous transmission, can use lower instantaneous power levels, which are less likely to interfere. (see col. 1, lines 32-35). Therefore, the Examiner will appreciate that one having skill in the art would not have looked to Haartsen for a solution to a CDMA problem because Haartsen concerns an issue that is specific to TDMA, a very different communications system. In fact, the Examiner will appreciate that Haartsen actually teaches away from the combination for the reason stated above.

Since neither the AAPA and Shoishiro combination nor any of the references of record taken alone disclose, suggest, or teach all of the features of claim 1, claim 1 is patentable.

The remaining claims are patentable based on their dependencies.

Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the

Amendment Under 37 C.F.R. § 1.111
USAN 10/002,202

Q67597

Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



Kevin C. Kunzendorf
Registration No. 58,308

SUGHRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

WASHINGTON OFFICE

23373

CUSTOMER NUMBER

Date: May 2, 2006